

RECEIVED
CENTRAL FAX CENTER
JUL 09 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Dacosta)	Art Unit: 2445
)	
Serial No.: 10/782,345)	Examiner: Hossain
)	
Filed: February 19, 2004)	50T5722.02
)	
For: SYSTEM AND METHOD FOR)	July 9, 2009
AUTHENTICATING COMPONENTS IN)	750 B STREET, Suite 3120
WIRELESS HOME ENTERTAINMENT SYSTEM)	San Diego, CA 92101
)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
Alexandria, VA

Dear Sir:

The issues Applicant would like to have reviewed prior to the filing of an appeal brief are as follows.

In the Office Action dated May 13, 2009, all pending claims (1, 2, 4, 6, 8-13, and 30) have been rejected under 35 U.S.C. §103 as being unpatentable over Sayers, USPP 2005/0083882. *Applicant requests review of Claim 10 only; upon a determination to allow Claim 10 or proceed to appeal, Applicant will cancel the remaining claims.*

The error in the rejection of Claim 10 stems from the examiner's reliance on the button-pushing discussion in paragraphs 39 and 40 of Sayers. This discussion relates to a button on the IR configuration device 510 - the element in Sayers relied on for the remote control relay of Claim 1. But Claim 10 requires *not the remote control* to have a button for instigating configuration information exchange but rather the server or the wireless component communicating with each other over two paths, primary and secondary, to have the

1168-115PAB

CASE NO.: 50T5722.02

Serial No.: 10/782,345

July 9, 2009

Page 2

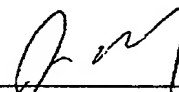
PATENT

Filed: February 19, 2004

button. The device 510 of Sayers does not communicate with anything over more than one path so it cannot be used as either the claimed wireless component or server, and nothing in Sayers suggests that the button-pushing discussion of paragraphs 39 and 40 is intended to be anything other than unique to the remote control (IR configuration device 510) embodiment. Accordingly, Claim 10 appears to be patentable.

The conferees are cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168-115PAB